

ORDINANCE NO. 1426

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, ADOPTING A SMALL SCALE LAND USE PLAN AMENDMENT TO THE CITY OF NORTH MIAMI 2036 FUTURE LAND USE MAP, TO EXTEND EASTWARDLY THE BOUNDARY OF THE PLANNED CORRIDOR DEVELOPMENT (PCD) OVERLAY DISTRICT BY ONE PARCEL TO INCLUDE A PARCEL OF REAL PROPERTY APPROXIMATELY 4.13-ACRES IN SIZE, LOCATED AT 1850 NE 123RD STREET, TO ALLOW FOR THE PROPOSED DEVELOPMENT OF THE VACANT PROPERTY SITE IN A MANNER CONSISTENT WITH THE INTENT OF THE CITY OF NORTH MIAMI COMPREHENSIVE PLAN AND IN ACCORDANCE WITH SECTIONS 163.3184(11) AND 163.3187, FLORIDA STATUTES, AND SECTIONS 3-1105, 3-1106 AND 3-1109B OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, LAND DEVELOPMENT REGULATIONS; FURTHER AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO EFFECTUATE THE SUBJECT SMALL SCALE LAND USE PLAN AMENDMENT, AS REQUIRED BY FLORIDA LAW; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND FOR AN EFFECTIVE DATE.

WHEREAS, the Florida Legislature passed and adopted Chapter 163, Local Government Comprehensive Planning and Development Regulation Act, as amended from time to time, which requires the City of North Miami (“City”) to adopt and enforce a comprehensive plan; and

WHEREAS, Section 163.3187(1), Florida Statutes, allows local governments to periodically make small scale land use amendments to their comprehensive plan future land use map, if the proposed amendment: (a) does not exceed 10 acres, (b) the cumulative annual effect of the acreage for all adopted small scale amendments does not exceed 120 acres, (c) the proposed amendment does not involve a text change to the goals, policies, and objectives of the comprehensive plan, and (d) the property that is the subject of the proposed amendment is not located within an area of critical state concern; and

WHEREAS, the subject property (a.k.a., Causeway Village), consisting of approximately 4.13 acres in size and located at 1850 Northeast 123rd Street with Miami-Dade County Folio Number 06-2228-001-0270 (“Subject Property”), is currently designated in the City 2036 Future Land Use Map as ‘Commercial/Office’ land use; and

WHEREAS, Causeway Village, LLC, the owner of the Subject Property, filed an

application for a Small Scale Land Use Plan amendment to extend eastwardly the boundary of the Planned Corridor Development (PCD) Overlay district on the City 2036 FLUM to include the Subject Property (Small Scale Land Use Plan Amendment), in order to develop a 9-story residential/retail mixed use complex, featuring 15,480 square feet of ground commercial (retail and restaurant) space and 297 market-rate residential rental units; and

WHEREAS, Policy 9.5.2 of the North Miami Comprehensive Plan requires that the City introduce employment generating uses along major transportation corridors which are compatible with the character of the neighborhood; and

WHEREAS, Policy 9.5.3 of the North Miami Comprehensive Plan provides that the “City will encourage land use designations and zoning regulations that encourage the retention, attraction and expansion of business and industry”; and

WHEREAS, the proposed Small Scale Land Use Plan amendment is consistent with the North Miami Comprehensive Plan which encourages mixed use along major corridors and promotes development that enhances the public health, safety and welfare of the City; and

WHEREAS, the proposed Small Scale Land Use Plan amendment is considered in accordance with Sections 163.3184(11) and 163.3187, Florida Statutes, and Sections 3-1105, 3-1106 and 3-1109B of the City of North Miami Code of Ordinances, Land Development Regulations (“LDRs); and

WHEREAS, pursuant to Article 2, Section 2-203, LDRs, at least four (4) affirmative votes of the Planning Commission shall be required for a positive recommendation of any proposed zoning or comprehensive plan change; and

WHEREAS, the Planning Commission, after a duly noticed public hearing held on November 1, 2016, reviewed and discussed staff’s report, documents and application packet, and heard testimony from the Applicant and attending members of the public; and

WHEREAS, the Planning Commission found the Small Scale Land Use Amendment consistent with the goals, policy and objectives of the North Miami Comprehensive Plan and recommended its approval to the Mayor and City Council, with the condition that the City engage the Florida Department of Transportation (FDOT) to expeditiously mitigate increasing traffic congestion on NE 123rd Street; and

WHEREAS, Policy 1.2.3 of the North Miami City Comprehensive Plan requires changes in density and intensity as set forth in the Future Land Use Map, to be by concurrence of a supermajority vote of the Mayor and City Council; and

WHEREAS, Section 3-1109B, LDRs, also requires the proposed amendment to be adopted by the affirmative vote of a supermajority of the members of City Council; and

WHEREAS, the Mayor and City Council find that the adoption of the proposed Small Scale Land Use Amendment is consistent with the North Miami Comprehensive Plan and furthers the best interest of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, THAT:

Section 1. **Subject Property.** The property legally described in the attached “Exhibit 1”, according to the Public Records of Miami-Dade County, Florida, with Folio Number 06-2228-001-0270 is hereby included within the boundary of the Planned Corridor Development (PCD) Overlay District.

Section 2. **Authority of City Manager.** The City Manager is hereby authorized to do all things necessary to effectuate the subject land use map amendment as required by Florida law.

Section 3. **Conflicts.** All ordinances or parts of ordinances in conflict or inconsistent with the provisions of this Ordinance are hereby repealed.

Section 4. **Severability.** The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 5. **Codification.** The provisions of this Ordinance may become and be made a part of the Code of Ordinances of the City of North Miami, Florida. The sections of the Ordinance may be renumbered or re-lettered to accomplish such, and the word “ordinance” may be changed to “section,” “article” or any other appropriate word.

Section 6. **Effective Date.** This Ordinance shall not become effective until thirty one (31) days after adoption on second reading, if not otherwise challenged.

PASSED AND ADOPTED by a 4-1 vote of the Mayor and City Council of the City of North Miami, Florida, on first reading this 12th day of September, 2018.

PASSED AND ADOPTED by a 4-1 vote of the Mayor and City Council of the City of North Miami, Florida, on second reading this 9th day of October, 2018.

ATTEST:



MICHAEL A. ETIENNE, ESQ.
CITY CLERK



DR. SMITH JOSEPH
MAYOR

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



JEFF P. H. CAZEAU, ESQ.
CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: Desulme

Sponsored by: Galvin

Vote:

Mayor Dr. Smith Joseph, D.O., Pharm. D.
Vice Mayor Carol Keys, Esq.
Councilman Scott Galvin
Councilman Philippe Bien-Aime
Councilman Alix Desulme

<u>X</u>	(Yes)	_____	(No)
_____	(Yes)	<u>X</u>	(No)
<u>X</u>	(Yes)	_____	(No)
<u>X</u>	(Yes)	_____	(No)
<u>X</u>	(Yes)	_____	(No)